

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ALEXANDER SALERNO, M.D., on behalf of)
himself and all other healthcare providers similarly)
situated, THE MEDICAL SOCIETY OF NEW)
JERSEY, on behalf of itself and all persons)
similarly situated, SALERNO MEDICAL)
ASSOCIATES, LLP, SENIOR HEALTHCARE)
OUTREACH PROGRAM, INC., SVETLANA)
SALERNO, M.D., AMANDA MARINO, M.D.,)
DIANA LARREA, D.O., ANDREA FODOR,)
N.P., GUETTY GABAUD, N.P., BELA)
LASCHIVER, N.P, AIDA RAMOS, F.N.P.,)
MARYELLEN ROBERTS, N.P., RAKESH K.)
SAHNI, M.D., ELIZABETH D. EVANS, D.O.,)
KUANG-YIAO HSIEH, M.D., JOHN H.)
RUNDBACK, M.D., KEVIN HERMAN, M.D.,)
ROEL P. GALOPE, D.O, VICTORIA A.)
HOWELL, N.P., MARIELA PABON, R.D.,)
NILAY R. SHAH, M.D., SM MEDICAL LLC,)
RAMEZ W. SAMUEL, M.D., MOUNIR)
ABDELSHAHID, M.D., CATALINA)
DELACRUZ, M.D., PEDIATRICS AND)
ADOLESCENT SAINT MARY CLINIC, LLC,)
and INAS WASSEF, M.D.)

Civ. No. 2:19-cv-18130-KM-JBC

Plaintiffs,

v.

UNITEDHEALTH GROUP, INC.,)
UNITEDHEALTHCARE INSURANCE)
COMPANY, UNITED HEALTHCARE)
COMMUNITY PLAN, INC., AMERICHOICE)
CORP., AMERICHOICE OF NEW JERSEY,)
INC., RIVERSIDE MEDICAL MANAGEMENT,)
LLC, OPTUM, INC., OPTUM CARE, INC., and)
JOHN DOES 1-20,)

Defendants.

ORDER

On September 19, 2019, Plaintiffs filed a complaint and applied for a temporary injunction.

ECF No. 1. The next day, the Court issued an Order to Show Cause why Defendants “should not

be preliminarily enjoined and restrained from: (A) terminating Providers' participation in the plan [of Defendant Unitedhealthcare Community Plan, Inc. (the "Plan")]; (B) notifying patients that Providers are or will be terminated and/or that they are not, or will not be, participating as Providers under the Plan; (C) removing Providers' information from any of Defendants' marketing materials and from notifying patients that they are not accepting new patients under the Plan; and (D) treating Providers differently from other providers with regard to UHC's directories for the Plan." ECF No. 3. Defendants opposed Plaintiffs' application on October 1 (ECF No. 4), and on October 2, 2019 Plaintiffs filed an Amended Verified Complaint adding Plaintiff the Medical Society of New Jersey ("MSNJ") as an additional plaintiff. ECF No. 16. ^{Plaintiffs filed additional affidavits relating only to the originally named plaintiffs (DE 7)} The Court having heard oral argument on October 4, 2019 and for the reasons placed on the record and for other good cause having been shown, the Court orders that:

1. Plaintiffs' claims in this case are referred to arbitration with the American Arbitration Association (AAA) for an initial determination of arbitrability;
2. Defendants are enjoined and restrained from taking any action to not renew any Providers, ^{defined as the plaintiffs in the original Complaint, until Nov. 4, 2019,} under the Plan for thirty (30) days from October 4, 2019 to enable Plaintiffs the opportunity ^{to file an arbitration or arbitrations and} to obtain a ruling concerning arbitrability referenced in paragraph 1 above; ^{as defined above}
3. For those Providers ~~whose network participation is set to end on or after October 4, 2019,~~ ^{as well as for Plaintiffs Maryellen Roberts, N.P., and Amanda Marino, M.D.,} Defendants shall immediately remove from any of their online and any other directories or other listings any notation that Providers are not accepting new patients or that their network participation is ending and/or not being renewed; and

4. The clerk shall STAY and ADMINISTRATIVELY TERMINATE this action WITHOUT PREJUDICE to reopening if and when any claims therein are found not to be arbitrable.

5. Any parties not covered by this Order may opt to file or join in a claim in arbitration as quickly as they wish; their rights are not affected or their remedies delayed by this Order.



KEVIN MCNULTY
United States District Judge